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4 Attorney for Defendant
5 Christian Espindola

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
The Honorable Stanley A. Bastian

United States of America,

Plaintiff,

No. 4:23-CR-6016-SAB-1
4:20-CR-6022-SAB-1

V.

Christian Espindola,

Defendant.

Motion to Continue Status Hearing and Probation Revocation Hearing

Without Oral Argument
April 22, 2025, at 10:30 a.m.

Christian Espindola, through his attorney, Alex B. Hernandez III, for the Federal
Defenders of Eastern Washington and Idaho, moves this Court for an order
continuing the status hearing and probation revocation hearing scheduled for April
22, 2025, at 10:30 a.m. in Yakima.

Mr. Espindola filed a motion to dismiss the Indictment charging him with felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1).

Motion to Continue Status Hearing
and Probation Revocation Hearing - 1

1 based on the United States Supreme Court decision of *New York State Rifle & Pistol*
2
3 *Ass'n v. Bruen*, 597 U.S. 1 (2022) challenging the constitutionality of § 922(g)(1). [ECF
4 No. 33]. While his motion to dismiss was pending, the Ninth Circuit, in *United States*
5 *v. Duarte*, 101 F.4th 657 (9th Cir. 2024), determined § 922(g) was unconstitutional as
6 applied to the defendant in that case. However, this opinion was vacated because the
7 case was reheard en banc by the Ninth Circuit, but a decision is still pending.
8

9 Because a decision in *Duarte* is still pending, Mr. Espindola requests the Court
10 continue the status hearing and probation revocation hearing sixty (60) to ninety (90)
11 days. Mr. Espindola believes a decision in *Duarte* by the Ninth Circuit will be
12 dispositive of his motion to dismiss. The issues in his motion to dismiss are similar to
13 those raised in *Duarte*, and Ninth Circuit's decision will affect his motion to dismiss.
14

15 This motion is brought in good faith and not for unnecessary delay. Mr.
16 Espindola believes a continuance is necessary for defense counsel to effectively
17 represent him. Mr. Espindola acknowledges that any continuance would constitute
18 excludable time under the Speedy Trial Act.
19

20 Defense counsel contacted the government regarding this motion and AUSA
21 Brandon Lloyd Pang had no objection to a continuance of the status conference and
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24

1 probation revocation hearing, nor did he object to having the motion heard on an
2 expedited basis without oral argument.
3

4 Dated: April 16, 2025.

5 Respectfully Submitted,
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7
8 s/Alex B. Hernandez, III
9 Alex B. Hernandez, III, 21807
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25 Motion to Continue Status Hearing
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CERTIFICATE OF SERVICE

I certify that on April 16, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to: Brandon Lloyd Pang, Assistant United States Attorney.

s/Alex B. Hernandez, III
Alex B. Hernandez III, 21807
Attorney for Christian Espindola

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